

## Comments to MB Docket No. 04-233 Matter of Broadcast Localism, FCC 07-218.

I, John Furr, am president of the general partner of Radio Cactus, LTD. The company owns two radio stations, KBNU Uvalde, Texas and KBLT Leakey, Texas.

### MARKET DESCRIPTIONS

Uvalde, Texas has a population 14,929 in a market of 30,000. KBNU is a Class C3-FM operates 24 hours and currently competes with KVOU (Class C AM), KVOU-FM (Class C3-FM), KUVA (Class A-FM), and KABCLP (Class LP-FM) for revenue. As shown in the Appendix, when all the allocations are licensed Uvalde will have 15 stations serving the city, 13 of which are or will be competing for audience in Uvalde as it is the commerce center of the area.

Leakey, Texas has a population 387 in a market of 3000. KBLT is a Class A-FM operates 24 hour as a translator of KBNU and is the only radio signal in Leakey currently. When all the allocations are licensed Leakey will have 6 stations serving the city.

### HISTORY OF OWNERSHIP

KBNU was licensed in 1996. In 1997 Furr purchased interest in the company and KBLT was built in Leakey. In 1999 Furr purchased the property from the partner and placed the property in Radio Cactus Ltd. A format change was made in January 2007. By fall of 2007 the stations operated in a positive cash flow for the first time in the company's 11-year history. Currently the station operates with one full-time manager and one part time employee. KBLT, because it operates in an economically depressed area, operates simulcast because Leakey has never generated enough revenue from Leakey alone to cover the monthly operating costs of the Class A-FM station.

[Historically the FCC has never relied on revenues as a basis for making rules, but the reality is that a radio station is a business like any other business and all changes in rules have an economic impact on the station's ability to continue to provide programming to the community.]

### COMMUNICATIONS WITH AUDIENCE

Prior to the format change, KBNU/KBLT was a contemporary Christian format station. There was a lot of communications by personal contact with church leaders, audience participation and citywide attended events. The last year of the format, the business begin to fail and contacts were reflecting a lack of interest in the format—so we changed. We still make personal contacts both in Uvalde and Leakey and promote activities of public interest in the area.

The FCC requires that a remote studio must have a local telephone in the city of license that the members of the community may call toll-free to contact the radio station. The telephone in Leakey is long-distance call-forwarded to the Uvalde office (operating under current Rules for one studio). In the 10 years of operation the long distance records shows that not one listener called the station. We have received emails with

audience feedback, but no telephone calls. The last email we received was to tell us that the transmitter went off the air at 4:30 AM and wanted to know when service would be restored. Therefore, the requirement for the continued telephone service in the remote city should be removed.

The Uvalde Main Studio maintains normal business hours. In the 10 years of experience, we will average 1 to 2 people a week to come by the station who are not connected to the station. Each of these either comes by to voice an announcement, drop off information, or deliver a check for their advertisement account. Not one person has come to the station to discuss the format or request programs—except some that expressed how much they like the programs that we are offering. Not one person has asked to see the public file. According to my experience, the requirement to maintain a public file is a unnecessary burden to the station and provides no value to determining public needs for program planning.

America is built on free-market competition and we believe that the Radio Broadcasting should operate on the same basis. As you can see from the Appendix outline of facilities that the 15,000 persons in Uvalde will soon have a radio station for every 1000 persons in the city. If you add the “over the air” TV (not including Cable and Satellite) of 8 more stations, that would provide a media outlet for every 652 persons in the city. If only ten percent of the listening public has satellite radio or is listening on Internet streaming/Pod Casting, that would lower the figure to one media station for every 586 persons in Uvalde. In Leakey, there will be a radio station for every 65 persons in the city. If ten percent of the listening public has satellite radio or is listening on Internet/Pod Casting streaming, that would lower the figure to one radio station for every 60 persons in Leakey.

## PROGRAMS FOR PUBLIC INTEREST

In the past year without advisory panels or formal ascertainment as suggested by the NPRM, my radio stations presented programs on a wide variety of topic and issues in our communities. The following listing is illustrative and by no means all-inclusive: flu shots, obesity, smoking, customer service, free-speech on college campuses, scleroderma, continuing education, immigration, out-sourcing jobs to other countries, personal relationships, aspirations of women, alternative medicine, heart health and stroke prevention for women, identity theft, terrorism and airport security, prescription drug abuse, teen violence, parental involvement in public schools, steroids, racism, foster care, literacy, morality and ethics in life, cyber-crime, violent crime and mass murder on campuses, pet spaying, under-employment of women, global warming, buying used cars, economic outlook, alternative energy, distinct learning patterns of girls, art history, school lunch changes, adoptions and surrogacy, pet food safety, domestic violence, coping with cancer, nuclear power, tax planning, keeping horses healthy, family vacations, holiday depression, women in the military, divorce avoidance, economic terrorism, collaborative law, new AIDS treatments, troublesome loan programs, civil rights, ADD diagnosis and treatment, early reading programs, migraine headaches, paternal roles, market investments, acne, nutrition, scams, senior fitness, breast cancer, dealing with insurance adjusters, environmental hazards in the home, successful garage

sales, poverty, European travel, beauty obsession, cosmetic surgery, chocolate, college alcoholism, coping with middle-age, and vaccinations,

Radio Cactus believes that it has responsibly responds to the public needs if nothing more than economic survival, rather than FCC mandate. Uvalde is wired with Time-Warner Cable TV, and TV stations licensed to Uvalde, and a newspaper that provides 2 publications a week and has Internet on-line local news. Leakey has a local monthly paper and everybody has satellite TV coverage. [Not much goes on in a town of less than 400 people.] Such a proposal of an “advisory board” and reporting requirements would put an undue burden on broadcast operations that are barely profitable currently with more competition in the future. The market place forces (and growing competition by addition of new channels) will require the radio stations to provide the programs that the listeners want to hear or go out of business. Today people rely on TV, newspaper and today more so on Internet news and communications by Internet than the traditional methods that the FCC is requesting to be instituted.

## REMOTE OPERATION AND FULL-TIME MAIN STUDIOS

I have worked in and visited large market stations in our area. All of my recent telephone contacts with them have landed me into voice mail. All of the times I have visited, there is a locked door and a receptionist to determine if I am a physical threat to station personnel. Requiring stations to maintain 24-hour people on duty is asking them to do hazardous duty and becomes a liability to the Broadcast Company. When I was in University and worked at night in a radio station, the announcers on duty carried firearms for personal protection because of threats from listeners.

It has been difficult to find even part-time help in Uvalde to help the one full-time manager. If these rules are enacted, then KBNU will have to reduce hours of broadcasting to the absolute minimum, thus depriving Uvalde of otherwise 24-hour service. In Leakey it is impossible to recruit even part-time help. I get some technical assistance from a volunteer when he is available. Most restaurants in Leakey close several days a week because they cannot get help to operate. Most of the Leakey businesses use family members who continue to live in the area or they close. The remote operation of KBLT with KBNU and normal business hours only at the one studio has been the only way KBNU can continue to provide programming to the Leakey area. Removal of the remote operation will require KBLT to close. The other CP/assignments, once operational, will not be able to continue business as a stand-alone Leakey radio station. The only way they could continue is if someone has retired to the community with extra money and wants to spend 24 hours a day at the station. Then it must get one hundred percent of the revenues by selling over the telephone.

## FUTURE OF RADIO

There will be growth in satellite radio, which has no requirements to provide any programming akin to that currently required or proposed by the FCC of terrestrial services. Pod Casting and Internet Streaming will continue to grow, with no restrictions on programming and no on-site personnel requirements. New cell phones now access the world-wide web, giving listeners immediate access to their favorite Internet streaming

stations on the phone, separate and apart from the traditional AM and FM bands. With this continued shift, it won't be long before the stations for which these rules are being considered will be devoid of listeners all together ... this is unless the Commission exercises its discretion and permits the operators to go about the business of broadcasting as Herbert Hoover envisioned in 1927 ... without interfering with each others signals and without broadcasting expletives. Coincidentally, such an environment would very well provide a wondrous diversity of programming, as each licensee strove to out-program his or her competitors, without having to worry about compliance with a plethora of unnecessary regulations.

### LPTV AND CLASS A TV

I am surprised that the Commission would even ask if these rules should apply to LPTV, Class A TV. If the Commission were serious about wanting more specific programming forced in the "Federal" way, why would they ignore these media outlets where the listener within the service area cannot distinguish a full power station from a low power station. In fact, these rules, if employed, should extend to Satellite radio broadcasts and Satellite TV broadcasts originating within the USA.

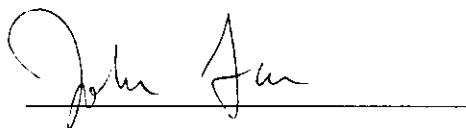
### CONCLUSION

If the Commission wants commercial AM and FM radio to be viable competitors to the changing technical scene in America, then it must create a free-market and let each broadcaster determine what works best for his or her service area. If a broadcaster maintains the technical standards according to Good Engineering Practices by not creating interference to other broadcasters, then his or her license should be renewed.

The FCC now awards commercial broadcast channels on the basis of highest bid. To be qualified, a permittee need only to come with the cash. Whether intended or not, the FCC has taken a partial, yet fundamental, step into the world of free market ... and I encourage it to emancipate the mediums (AM, FM, and TV) to go forward and compete it, without the burden of minimum-wage chair-sitters, telephones, main studios, and everything else proposed in this bundle of "re-regulation."

Unfortunately, Nine Eleven proved one thing, individually-activated EAS doesn't work and won't work. Thanks to the ubiquitous nature of telephones, a "Reverse-911" plan can quickly and affirmatively provide warnings to save lives and property, particularly when it is coupled with automatic activated EAS on air. Depending on poorly-paid and under-trained personnel, disseminating second-hand information is not now nor has ever been the answer for public safety.

April 23, 2008

A handwritten signature in dark ink, appearing to read "John Furr", is written over a horizontal line.

John R. Furr, President of General Partner  
Radio Cactus, Ltd.

## APPENDIX

### **Uvalde, Texas**

Population 14,929, market size 30,000.

KBNU (Class C3-FM) operates 24 hours and is licensed to Radio Cactus, Ltd.

KVOU (Class C AM),

KVOU-FM (Class C3-FM)

KUVA (Class A-FM)

KABCLP (Class LP-FM)

Other FCC Licensed/CP services serving Uvalde:

KLMOFM (Class C1-FM), Dilley (Competes for San Antonio audience)

KMFR (Class A-FM), Hondo (Competes for San Antonio audience)

KBDK [CP] (Class C2-FM) Leakey

Allocations with pending applications that will compete in Uvalde:

Translators on FM Channels 201, 216, 263

FM Channel 205C3 Uvalde

FM Channel 212A Uvalde

FM Channel 214C2 Batesville/Sabinal

FM Channel 220C3 Hondo/Sabinal/Utopia

FM Channel 278A La Pryor

FM Channel 296A Sabinal

TV Services for Uvalde

KPXL (TV)

KNHB-LP

K15BV

K17GL

K42GJ

K45HM

K47IJ

K49HH

Time Warner TV Cable and Dish Satellite TV Network

### **Leakey, Texas**

Population 387, market size 3000

KBLT (Class A-FM) operates 24 hours and is licensed to Radio Cactus, Ltd.

[currently the only radio signal in Leakey]

Other FCC Licensed/CP services serving Leakey:

KHPS [CP] (Class A-FM) Camp Wood

KBDK [CP](Class C2-FM), Leakey

Allocations with pending applications that will compete in Leakey:

FM Channel 205C3 Uvalde (Will compete for Uvalde audience)

FM Channel 220C Camp Wood/C2 Utopia

FM Channel 226A Leakey

Dish Satellite TV Network